

REMARKS

This Amendment is responsive to the November 10, 2009 Final Office Action. Applicant thanks the Examiner for indicating that claims 38 and 39 are allowed. Claim 23 has been amended, claims 24, 25, 29-33, and 40-44 have been cancelled, and claims 45-47 have been added. Support for the amendment to claim 23 may be found, for example, in originally-filed claim 9 (corresponds to cancelled dependent claim 31) and in the specification at page 5, lines 1-9. Support for new claims 45-47 may be found, for example, in originally-filed claim 1 and in the specification at page 4, lines 22-24 and 29. Claims 23, 26-29, 34-39, and 45-47 will be pending upon entry of this Amendment.

Claims 23-24, 26, 29-33, 37, 40-44 stand rejected under 35 U.S.C. § 102(b) for anticipation by United States Patent No. 941,215 to Wade. Further, claims 25, 27-28 and 34-36 stand rejected under 35 U.S.C. § 103(a) for obviousness over Wade alone. In view of the foregoing amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Amended independent claim 23 recites, *inter alia*:

...a base structure, and at least one heating element connecting to the base structure, wherein at least one non-linear channel structure is arranged between the base structure and the heating element for throughflow of a liquid for heating, wherein the channel structure has an at least partly spiral-shaped form and is formed at least partially by at least one spirally wound strip having a flexibility such that mutually adjoining strip parts of the strip can slide relative to each other.

The Wade patent fails to disclose or suggest where the channel structure has an at least partly spiral-shaped form and is formed at least partially by at least one spirally wound strip having a flexibility such that mutually adjoining strip parts of the strip can slide relative to each other as recited in amended independent claim 23. Wade discloses a plurality of ribs (18) formed on the side of the casing (10) opposite the heating element that produces a spiral groove (19) between the ribs (18) (see Figs. 2; page 1, lines 70-76 of Wade). However, as shown in Fig. 1 of Wade, the ribs (18) are integrally formed with the casing (10), and therefore cannot slide relatively to each other as required by amended independent claim 23.

Application No. 10/590,085
Paper Dated: May 10, 2010
Attorney Docket No. 6160-062458

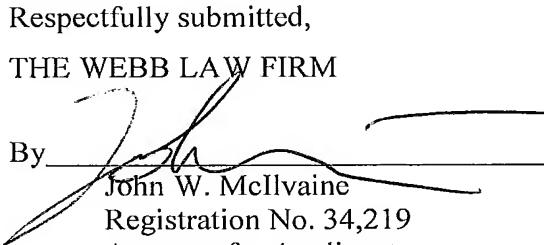
As discussed in the present specification at page 5, lines 1-9, the wound composite strip has a certain flexibility in that mutually adjoining strip parts of the strip can slide relative to each other. Such a flexible character is particularly advantageous in making it possible to compensate deformations of the heating element and height differences resulting therefrom during heating of the heating element, so that the strip can connect to the heating element in reliable and medium-tight manner irrespective of the degree of deformation of the heating element. Thus, leakage from the device of liquid and evaporation gases originating therefrom can be prevented.

Therefore, for at least the foregoing reasons, the Wade patent fails to disclose or suggest all of the limitations of amended independent claim 23. Reconsideration and withdrawal of the rejection of claim 23 are respectfully requested.

Claims 26-29, 34-37, and 45-47 depend from and add further limitations to independent claim 23 and are deemed to be in condition for allowance for all the reasons discussed above with respect to independent claim 23.

CONCLUSION

In view of the foregoing amendments and comments, Applicant respectfully requests reconsideration of the rejections and allowance of claims 23, 26-29, 34-39, and 45-47.

Respectfully submitted,
THE WEBB LAW FIRM

By _____
John W. McIlvaine
Registration No. 34,219
Attorney for Applicant
436 Seventh Avenue
700 Koppers Building
Pittsburgh, PA 15219
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com